

1 HEATHER E. WILLIAMS, Bar #122664
Federal Defender
2 ERIC V. KERSTEN, Bar #226429
Assistant Federal Defender
3 Designated Counsel for Service
2300 Tulare Street, Suite 330
4 Fresno, California 93721-2226
Telephone: (559) 487-5561
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6 Counsel for Defendant
DAVID ALLEN CHITURAS

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) No. 1:00-cr-05240 AWI
) No. 1:01-cr-05081 AWI
12 <i>Plaintiff,</i>)
)
13 vs.) STIPULATION TO CONTINUE
) DISPOSITION, [PROPOSED] ORDER
14 DAVID ALLEN CHITURAS,) THEREON
)
15 <i>Defendant.</i>) Date: January 25, 2016
) Time: 10:00 a.m.
16 _____) Judge: Hon. Anthony W. Ishii

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18 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
19 counsel, KEVIN P. ROONEY, Assistant United States Attorney, counsel for plaintiff, and ERIC
20 V. KERSTEN, Assistant Federal Defender, counsel for defendant, David Allen Chituras, that the
21 date for disposition may be continued to January 25, 2016 a.m., or the soonest date thereafter
22 convenient to the court. Disposition is currently scheduled for January 11, 2016.

23 Defense counsel was out of the office over the holidays and returned January 4, 2016.
24 Because Mr. Chituras is housed at Lerdo, counsel was not able to review the Dispositional
25 Memorandum prepared by the United States Probation Office with Mr. Chituras prior to January
26 6, 2016. This continuance is requested to allow time for the defense to prepare a response to the
27 Dispositional Memorandum.

28 The parties agree that any delay resulting from the continuance shall be excluded as

1 necessary for effective defense preparation and continuity of counsel pursuant to 18 U.S.C. §§
2 3161(h)(7)(A) and 3161(h)(7)(B)(iv). For this reason, the ends of justice served by the granting
3 of the requested continuance outweigh the interests of the public and the defendant in a speedy
4 trial.

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6 BENJAMIN B. WAGNER
United States Attorney

7 DATED: January 7, 2016

By:

8 /s/ Kevin p. Rooney
KEVIN P. ROONEY
Assistant U. S. Attorneys
9 Counsel for Plaintiff

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11 HEATHER E. WILLIAMS
Federal Defender

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13 DATED: January 7, 2016

By:

14 /s/ Eric V. Kersten
ERIC V. KERSTEN
Assistant Federal Defender
15 Counsel for Defendant
DAVID ALLEN CHITURAS

16
17 O R D E R

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19 IT IS SO ORDERED. Based on the stipulation of counsel and for good cause, it is
20 ORDERED that the Sentencing on Supervised Release Violation hearing in this matter is
21 continued from January 11, 2016, to January 25, 2016, at 10:00 a.m.. The court further finds that
22 the ends of justice served by a continuance outweigh the interest of the public and the defendant
23 in a speedy trial, and that the delay occasioned by such continuance is excluded from the Speedy
24 Trial Act's time limits pursuant to 18 U.S.C. § 3161(h)(7)(A). The intervening period of delay is
25 excluded in the interests of justice pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

26 IT IS SO ORDERED.

27 Dated: January 7, 2016

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SENIOR DISTRICT JUDGE

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